

# **EXHIBIT B**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

DANIA DIAZ,

Plaintiff,

-against-

NATIONAL RAILROAD PASSENGER CORPORATION  
d/b/a AMTRAK and CARL GRIZZLE,

Defendants.

**INDEX #:**

Plaintiff Designates  
County of Queens

The basis of venue is Plaintiff's  
Residence and Place of  
Occurrence

**S U M M O N S**

The plaintiff resides at 37-30 81<sup>st</sup>  
Street, Jackson Heights, New  
York 11372.

To the above-named Defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
May 27, 2020

Yours, etc.,



**LOUIS GRANDELLI, P.C.**  
Attorneys for Plaintiff  
90 Broad Street - 15<sup>th</sup> Floor  
New York, New York 10004  
(212) 668-8400

*Defendant's Address:*

*National Railroad Passenger Corporation d/b/a Amtrak, 39-29 Honeywell Street, Long Island City, New York 11101  
Carl Grizzle, 39-29 Honeywell Street, Long Island City, New York 11101*

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

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DANIA DIAZ,

Plaintiff,

-against-

**VERIFIED COMPLAINT**

**INDEX #:**

NATIONAL RAILROAD PASSENGER CORPORATION  
d/b/a AMTRAK and CARL GRIZZLE,

Defendants.

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The plaintiff, by her attorneys, **Louis Grandelli, P.C.**, complaining of the defendants, alleges, upon information and belief, the following:

**First Cause of Action**  
**On Behalf of the Plaintiff, Dania Diaz**

1. That the plaintiff resides in the County of Queens, City and State of New York.
2. That the accident complained of herein occurred in the County of Queens, City and State of New York.
3. That at all times hereinafter mentioned, the defendant, **National Railroad Passenger Corporation d/b/a Amtrak**, was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.
4. That at all times hereinafter mentioned, the defendant, **National Railroad Passenger Corporation d/b/a Amtrak**, (hereinafter referred to as "**Amtrak**"), was and still is a foreign corporation, licensed to do business in the State of New York and doing business in the State of New York.

5. That at all times hereinafter mentioned, the defendant, **Amtrak**, owned the premises known as 39-29 Honeywell Street, in the County of Queens, City and State of New York.

7. That at all times hereinafter mentioned, the defendant, **Amtrak**, operated, managed, maintained, supervised, inspected and controlled the aforesaid premises.

8. That at all times hereinafter mentioned, the defendant, **Carl Grizzle**, was employed by the defendant, **Amtrak**.

9. That at all times hereinafter mentioned, the defendant, **Carl Grizzle**, was acting within the course of his employment with the defendant, **Amtrak**.

10. That at all times hereinafter mentioned, the defendant, **Carl Grizzle**, operated, managed, maintained, supervised, inspected and controlled the aforesaid premises.

11. That at all times hereinafter mentioned, the defendant, **Amtrak**, its agents, servants and/or employees were under a duty to keep the interior of the aforesaid premises in a safe and proper condition so that those walking within the aforesaid premises would be safe.

12. That at all times hereinafter mentioned, the defendant, **Carl Grizzle**, his agents, servants and/or employees were under a duty to keep the interior of the aforesaid premises in a safe and proper condition so that those walking within the aforesaid premises would be safe.

13. That at all times hereinafter mentioned, the defendant, **Amtrak**, together with its agents, servants and/or employees caused, created, permitted and allowed dangerous conditions to exist and remain in the interior of the aforesaid premises.

14. That at all times hereinafter mentioned, the defendant, **Carl Grizzle**, together with his agents, servants and/or employees caused, created, permitted and allowed dangerous conditions to exist and remain in the interior of the aforesaid premises.

15. That on or about November 4, 2017, while the plaintiff, **Dania Diaz**, was lawfully

walking within the aforesaid premises, she was caused to slip and fall and to sustain serious and permanent personal injuries.

16. That the occurrence and personal injuries sustained by the plaintiff was caused by the negligence of the defendants, their agents, servants and/or employees, in permitting the aforesaid premises to become and/or caused, created, permitted and allowed a dangerous condition to remain and exist on the aforementioned premises; and constituting the same as a trap and falling hazard; and were negligent in failing to place signs, signals, warnings barriers and/or other notices so as to alert the public, and the plaintiff in particular, of the impending danger existing thereat.

17. That as a result of the foregoing, the plaintiff, **Dania Diaz**, has suffered serious personal injuries and was required to be provided with medical care and attention for the treatment of her injuries, and was and will be in the future unable to attend to her usual duties and/or occupation as a result of said injuries and, upon information and belief, she will be required to have medical treatment in the future and said injuries may be of a permanent nature.

18. That this accident falls within one or more of the exceptions set forth in CPLR §1602.

19. That by reason of the foregoing, the plaintiff has been damaged by the defendants in a sum which exceeds the jurisdictional limits of all lower Courts.

**Second Cause of Action**  
**On Behalf Of The Plaintiff, Dania Diaz**

20. The plaintiff repeats, realleges and reiterates each and every allegation contained in paragraphs designated "**1**" through "**19**", inclusive of this complaint, with the same force and effect as if more fully at length set forth.

21. That the defendant, **Amtrak**, was negligent in the hiring of its servants, agents and/or employees.

22. That the defendant, **Amtrak**, was negligent in the supervision of its agents, servants

and/or employees.

23. That the defendant, **Amtrak**, was negligent in the employment of its servants, agents and/or employees.

24. That the defendant, **Amtrak**, was negligent in the training of its servants, agents and/or employees.

25. That by reason of the foregoing, the plaintiff **Dania Diaz** has been damaged by the defendants in a sum which exceeds the jurisdictional limits of all lower Courts.

**WHEREFORE**, plaintiff, **Dania Diaz**, demands judgment against the defendants in an amount which exceeds the jurisdictional limits of all lower courts on the first cause of action, the plaintiff, **Dania Diaz**, demands judgment against the defendants in an amount which exceeds the jurisdictional limits of all lower courts on the second cause of action, all together with the interests, costs and disbursements of this action.

Dated: New York, New York  
May 27, 2020

Yours, etc.,



**LOUIS GRANDELLI, P.C.**  
Attorneys for Plaintiff  
90 Broad Street - 15<sup>th</sup> Floor  
New York, New York 10004  
(212) 668-8400

**ATTORNEY'S VERIFICATION**

STATE OF NEW YORK     )  
                                      : SS.:  
COUNTY OF NEW YORK    )

The undersigned, an attorney admitted to practice law in the Courts of the State of New York, shows:

That deponent is the attorney for the plaintiffs in the within action; that deponent has read the foregoing **SUMMONS AND VERIFIED COMPLAINT**, and knows the contents thereof.

That the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

That deponent further states that the reason for this verification being made by deponent and not by the plaintiff herein is that the plaintiff resides in another county, other than where deponent maintains his office.

The grounds of your deponent's knowledge and information as to all matters not stated upon deponent's knowledge are from files, investigation and information furnished.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York  
May 27, 2020

  
\_\_\_\_\_  
LOUIS GRANDELLI

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**INDEX #:**

**Year 20**

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

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**DANIA DIAZ,**

**Plaintiff,**

**-against-**

**NATIONAL RAILROAD PASSENGER CORPORATION d/b/a AMTRAK and CARL  
GRIZZLE,**

**Defendants.**

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**SUMMONS AND VERIFIED COMPLAINT**

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**LOUIS GRANDELLI, P.C.**

Attorneys for Plaintiff

**90 Broad Street - 15<sup>th</sup> Floor**

**New York, New York 10004**

TEL: (212) 668-8400

FAX #: (212) 483-0918





# NYSCEF - Queens County Supreme Court

## Confirmation Notice



The NYSCEF website has received an electronic filing on 05/27/2020 03:32 PM. Please keep this notice as a confirmation of this filing.

**705844/2020**

**Dania Diaz v. National Railroad Passenger Corporation d/b/a Amtrak et al**

**Assigned Judge: None Recorded**

### Documents Received on 05/27/2020 03:32 PM

Doc #	Document Type
1	SUMMONS + COMPLAINT Summons and Complaint

### Filing User

Louis Grandelli | louis@grandelli.com | 2126688400  
90 Broad Street, New York, NY 10004

### E-mail Notifications

An email regarding this filing has been sent to the following on 05/27/2020 03:32 PM:

**LOUIS GRANDELLI - louis@grandelli.com**

### Email Notifications NOT Sent

Role	Party	Attorney
Respondent	National Railroad Passenger Corporation	No consent on record.
Respondent	Carl Grizzle	No consent on record.

\* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

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**Audrey I. Pheffer, Queens County Clerk and Clerk of the Supreme Court - apheffer@nycourts.gov**

Phone: 718-298-0173, 718-298-0601 Website: <https://www.nycourts.gov/COURTS/11jd/queensclerk>

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**NYSCEF Resource Center, nyscef@nycourts.gov**

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